

1 INTRODUCTION

1.1 DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORT BACKGROUND

The City of Santa Clara (City), as lead agency, has prepared this document to be part of the Final Environmental Impact Report (FEIR) for the proposed Santa Clara Gardens Development Project (Proposed Project). It contains a list of persons, organizations, and public agencies submitting comments; the comments received on both the Draft Environmental Impact Report (DEIR) and Recirculated Draft Environmental Impact Report (Recirculated DEIR); and responses to significant environmental points raised in those comments, as required by the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.). In accordance with Section 15132 of the State CEQA Guidelines, this document, the DEIR, and the Recirculated DEIR, together, constitute the FEIR.

As described in Chapter 3 of the DEIR, the Proposed Project would include site cleanup; removal of existing structures; and development of senior housing, single-family residential, and park uses on the Project Site. The Project Site is located on approximately 17 acres of surplus, state-owned land in the City of Santa Clara adjacent to the City of San Jose.

The environmental review process for the Proposed Project was initiated with publication of the Notice of Preparation on July 18, 2003. Pursuant to Public Resources Code Section 21083.9, on October 3, 2005 the City held a public scoping meeting to receive oral comments on the scope and content of the analysis presented in the EIR. On March 9, 2006, the City distributed the DEIR to public agencies and the general public and also submitted it to the State Clearinghouse for state agency review. Based on comments received on the DEIR and changed conditions related to a new development proposal near the Project Site, the City decided to recirculate certain sections of the DEIR. On July 21, 2006, the Recirculated DEIR was distributed for public agency and general public review and submitted to the State Clearinghouse. It included revisions to two issue areas previously presented in the DEIR: 1) reevaluation of cumulative traffic effects to include the proposed expansion of the Valley Fair Mall, the application for which had been submitted after completion of the original DEIR, and 2) clarification of the approach and methodology used to assess the potential for hazardous materials risks.

Public Resources Code Section 21091 and Section 15105(a) of the State CEQA Guidelines state that the public review period for the draft or recirculated EIRs shall be not less than 30 days and should be no more than 60 days. When a draft EIR is submitted to the State Clearinghouse, as is the case here, the public review period shall normally be not less than 45 days. The DEIR's 45-day public review began on March 9, 2006. The review period for the Recirculated DEIR began on July 21, 2006. Public agencies and the general public submitted comments on both the DEIR and Recirculated DEIR.

The Final EIR consists of the following documents:

- ▶ Draft Environmental Impact Report for the Santa Clara Gardens Development Project, (including Appendices A through M), dated March 9, 2006;
- ▶ Recirculated Draft Environmental Impact Report for the Santa Clara Gardens Development Project, dated July 21, 2006; and
- ▶ Comments, Responses to Comments on the DEIR and Recirculated DEIR, and revisions to those reports contained in this document.

These documents are available for review at the following addresses:

City of Santa Clara Planning Department
1500 Warburton Avenue
Santa Clara, CA 95050

Website: http://www.ci.santa-clara.ca.us/city_gov/city_gov_90nwinchester_barec_draft_eir.html

Santa Clara City Library
2635 Homestead Road
Santa Clara, CA 95051

1.2 ORGANIZATION OF THIS DOCUMENT

This document contains six chapters, as described below.

Chapter 1, “Introduction,” includes a discussion of the background of the environmental review of the Proposed Project and a description of the contents of this document.

Chapter 2, “List of Comments and Master Responses to Comments,” contains a list of all written comments received on the DEIR and Recirculated DEIR, along with commenters who spoke at two public meetings held during the DEIR circulation period, i.e., the City of Santa Clara Historic Resources Commission meeting on April 6, 2006 and the City of Santa Clara Parks and Recreation Commission meeting held on April 18, 2006. This chapter also presents master responses to six environmental topics that were raised by a number of commenters (see Section 1.3, below).

Chapter 3, “Comments and Responses to Comments on the DEIR,” and Chapter 4, “Comments and Responses to Comments on the Recirculated DEIR,” present both the verbatim comments and appropriate responses to significant environmental points, in accordance with Sections 15088(a) and (c) and 15132 of the State CEQA Guidelines. Some of the issues raised in comments on the DEIR and Recirculated DEIR address the merits of the project or raise non-environmental topics. In these cases, the comments are noted but do not require detailed response, because they do not raise significant environmental issues or comments on the contents of the DEIR or Recirculated DEIR. All comment letters and comments by speakers at public meetings are labeled to correspond with the list of comments table in Chapter 2 (Tables 2-1 and 2-2). Each individual comment is assigned a number (e.g., 1-1) that corresponds with the response following the comment.

Chapter 5, “Revisions to the DEIR and Recirculated DEIR,” presents changes that were made to the text of the DEIR and/or Recirculated DEIR in response to public and agency comments. If a comment results in a correction or revision to the DEIR or Recirculated DEIR, the text of the document is reproduced in the response and in Chapter 5 with deleted text struck-through (strikeout) and added text underlined (underline)

Chapter 6, “Report Preparers,” identifies the preparers of this document.

1.3 DEIR, RECIRCULATED DEIR, AND RESPONSE TO COMMENTS

As described above, the City circulated the DEIR and at the close of that public review period compiled and reviewed the comments received on the DEIR. The City decided to recirculate the DEIR for comments received in two issue areas: cumulative traffic and methodology for assessing hazardous material impacts. While other comments were received from commenters on multiple environmental issues, the Recirculated DEIR only addressed those issues that required recirculation consistent with the requirements of 15088.5 of the State CEQA Guidelines.

During the public review period of the Recirculated DEIR additional comments on the environmental analysis were received. The City reviewed these comments and determined that they did not raise significant new information, as defined by Section 15088.5 of the State CEQA Guidelines, so no further recirculation of the EIR is required.

Comments from agencies and the public address the content of both the original DEIR and Recirculated DEIR. Many comments on the Recirculated DEIR repeated or expanded upon topics that were previously submitted in comments on the DEIR. The purpose of this document is to provide written responses to all significant environmental issues raised in comments on the DEIR and Recirculated DEIR, consistent with the requirements of CEQA and the State CEQA Guidelines. The responses rely on information from the whole of the environmental record, as applicable to the comment topic. In other words, responses take into account information contained in the DEIR and Recirculated DEIR, along with clarifying or elaborating information added to this response to comment document.

1.4 MASTER RESPONSES TO COMMENTS

Because some topics were raised in multiple comments, this document contains six “master” responses. The master responses include comments related to reasons for recirculating the DEIR, hazardous materials, traffic and circulation, cultural resources, evaluation of a small farming alternative, and agricultural resources. The master responses are presented in Chapter 3 of this document. The intent of a master response is to provide a comprehensive response to an issue or set of interrelated issues, so that all aspects of the issue can be addressed in a coordinated, organized manner in one location. When an individual comment raises an issue discussed in a master response, the response to the individual comment includes a cross-reference to that appropriate master response.

1.5 PROJECT DECISION-MAKING PROCESS

This document was made available to the public on the City’s website upon completion and distributed to the Planning Commission and the City Council, public agencies that commented on the DEIR and/or Recirculated DEIR, and distributed notice of the availability of the document to members of the public that commented on the DEIR and/or Recirculated DEIR. As required by Section 15088(b) of the State CEQA Guidelines, the City is providing public agencies who commented on the DEIR and/or Recirculated DEIR at least 10 days to review proposed responses prior to the date for consideration of the FEIR for certification.

At a scheduled public hearing following this 10-day review period, the Planning Commission will consider what recommendations to make to the City Council regarding the adequacy of FEIR and the merits of the Proposed Project. The City Council will decide whether to certify that the FEIR as being adequate under CEQA. If the City Council certifies the FEIR, it will make certain findings, including that the FEIR has been completed in compliance with CEQA; the City Council has reviewed and considered the information in the FEIR; and the FEIR reflects the City’s independent judgment and analysis. After certification, the City Council may consider whether to approve the Proposed Project, approve it with conditions, or deny the project, in accordance with Section 15092 of the State CEQA Guidelines.

If the City Council decides to approve the Proposed Project, it must adopt findings in accordance with Section 15091 of the State CEQA Guidelines. For each significant effect identified in the FEIR, these findings will describe whether it can be reduced to a less-than-significant level through feasible alternatives or imposition of feasible mitigation measures and if not, why there are no feasible mitigation measures or alternatives to reduce the impact to a less-than-significant level. If in approving the Proposed Project, the City adopts mitigation measures to reduce significant effects, it will adopt a mitigation monitoring and reporting program (MMRP), as required by Section 15097 of the State CEQA Guidelines. This MMRP describes how each of the mitigation measures will be implemented and provides a mechanism for monitoring and/or reporting on their implementation.

If the City approves the project with significant effects on the environment that cannot be feasibly avoided or reduced to less-than-significant levels, it must also adopt a statement of overriding considerations that, in accordance with Section 15093 of the State CEQA Guidelines, explains the benefits that outweigh the unavoidable significant environmental effects.

Following approval of a project for which an EIR has been prepared, the lead agency must file a Notice of Determination (NOD) with the County Clerk and, if state agency approvals are needed, also with the California Governor's Office of Planning and Research (OPR), as directed by Section 15094 of the State CEQA Guidelines. In this case, if the City approves the project, it will be required to file the NOD with both the County Clerk and OPR.